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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,524

01/02/2004

Charles Cameron Brackett

CRNC.110413

8682

46169

7590

06/27/2006

SHOOK, HARDY & BACON L.L.P.

Intellectual Property Department

2555 GRAND BOULEVARD

KANSAS CITY, MO 64108-2613

EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,524

Applicant(s)

BRACKETT ET AL.

Examiner

Robert M. Timblin

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/2/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action corresponds to application 10/749,524 filed 1/2/2004.

Claims 1-28 have been examined and are pending prosecution.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: B12.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 6 is objected to for concluding with two periods.

Claim 16 objected to because the wording of this claim makes the limitation unclear to the examiner. Examiner interprets this claim as "selecting all review stations and distributing the selected subset of studies to all review stations."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-12, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Minyard et al.** ('Minyard')(US 6,891,920 B1).

With respect to claim 1 and corresponding claims 8 and 28, **Minyard** teaches A method for managing large studies (**abstract**) transferred from at least one acquisition device (**102, 206**) to a study process server (**104**) in order to transfer the studies to at least one review station (**110**), the method comprising:

'sorting each received study into at least one appropriate working set' as patient information is indexed and organized (col. 4 line 45-57, and col. 6 line 14-51).

'selecting at least one subset of the received studies from at least one working set' as tagging a subset of images (col. 4 line 45-57 and col. 12 line 48-54).

‘distributing at least one selected subset of studies to at least one review station’ as physician recalls the tagged images for later review (col. 4 line 1-5 and 45-57).

With respect to claims 2,9, 16, and 23, **Minyard** teaches **‘distributing the selected subset of studies to each review station’** (figure 1, elements 104 and 110).

With respect to claims 3, 10, 17, and 24, **Minyard** teaches **‘a predictive algorithm’** (col. 3 line 50-col.4 line 6, col. 7 line 5-12 col. 8 line 8-29 and).

With respect to claims 4, 11,18, and 25, **Minyard** teaches **‘continuously monitoring a review station to determine if a distributed study has been completed and removing the study from an associated working set after the study has been completed’** as monitoring acquisition and review processes (col. 8 line 25-27 and col. 14 line 35-39).

With respect to claims 5, 12, 19, and 26, **Minyard** teaches **‘deleting the completed study from some or all review stations’** as removing entire workflow (col. 14 lines 28-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2167

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7,13-14, and 20-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Minyard** as applied to claims 1-5, 8-12, and 28 above in view of **Fuller** (US 2005/0050552 A1).

With respect to claims 6-7,13-14, and 20-21, **Minyard** fails to teach monitoring each review station for selected user activities and populating each monitored review station with studies from one or more relevant working sets upon detecting the detecting one of the selected user activities.

Fuller, however, teaches this limitation as checking the amount of data in a data queue, and if the amount is lower than a pre-selected threshold, the queue is populated with new data (0019 and figure 3) to ensure requested data are available for immediate delivery.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because **Fuller's** system would have provided **Minyard's** invention with enhancing the likelihood that the requested data are available for immediate delivery (**Fuller**, 0004).

Claims 15, 22, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Minyard** in view of **Rothschild et al.** ('Rothschild') (US 2002/0016718 A1).

With respect to claims 15, 22, and 27, the limitations of these claims are rejected for the same reasons as set forth above in claims 1, 8, and 28 by Minyard and claims 6-7, 13-14, and 20-21 by the combination of Minyard and Fuller.

Unfortunately, Minyard fails to teach the limitation of monitoring each selected review station for a login.

Rothschild, however, teaches this limitation as a remote workstation polling for data upon the occurrence of a predetermined triggering event (i.e. a log in event) for detecting a log in (0085-0086).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because **Rothschild** would have allowed Minyard/Fuller's invention to detect a log in.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2002/0184325

2004/0044547

2002/0099569

5,649,153

5,381,539

6,697,067

Art Unit: 2167

5,586,262

6,032,120

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

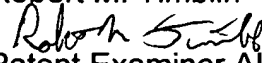
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Wong



Primary Examiner

Robert M. Timblin


Patent Examiner AU 2167